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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,307	12/22/1999	JOONG-KYU CHOI	P-056	4821
34610	7590	12/06/2004	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			AMSBURY, WAYNE P	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 12/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/469,307

Applicant(s)

CHOI, JOONG-KYU

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

CLAIMS 1-18 ARE PENDING

1. It is noted that the preliminary amendment of 12/22/1999 renumbered claims originally submitted as 16-19, so that they currently number 15-18, and the corrected claim numbers and claim references are used in this action.

2. The abstract of the disclosure is objected to because it contains undefined abbreviations and/or acronyms, such as NE and EMS. Correction is required. See MPEP § 608.01(b).

3. Applicant is advised that statements of intended use in the claims, such as *for thereby...[X]...* are given no patentable weight. For instance, in claim 1 the phrase: "*for thereby transmitting the results of the comparison...*" is not interpreted as a claim limitation of an actual transmission of results. Similarly, in claim 2, the element: *are connected (to) each other for thereby comparing both memories periodically* does not imply that periodic comparison is made. It is noted that the connector **to** is missing from the claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preambles of the independent claims, 1 and 8, are directed to *database synchronization*, but the bodies of the claims do not synchronize databases.

**Official Notice** is taken that synchronization of databases requires that two databases be brought into conformity. In particular it is noted that no transmission is claimed [see above], and that operations such as comparison [at least claims 2,4] do not suffice to produce database synchronization.

The claims are fundamentally ambiguous with respect to the memories involved:

It is not clear whether *current status memory* is intended to be a data memory with the status *current*, or a memory containing the status of some other data memory. In the interest of compact prosecution, it is assumed on the basis of the disclosure as a whole that this is a data memory with status *current*. [It is noted that this is not claimed as a **database** to be synchronized, however.]

Using **claim 1** as exemplary, it is not clear whether two, three, or four memories are involved. From the evidence of the disclosure as a whole and in the interest of compact prosecution, it is assumed that there are **two** memories, and that the claim contains an alternate description of each. For instance, (in light of the above assumption), *a common memory, the current status memory...* is taken to be equivalent to: **a common memory with status of current**.

In **claim 2** it is not clear whether or not the specified databases are related to the memories or the potential transmission of blocks.

It is not clear in **claim 3** whether or not the specified databases have any connection with the common and sync-related memories. In **claim 4** it is not clear how a comparison results in changes in memory; there is a missing nexus with the other elements of the claim. In **claim 5**, it is not clear if "*a common memory*" has a connection with the common memory of claim 1 or not. In **claim 6**, there is no clear antecedent for "*its database*", and it is not clear whether or not this has some connection with the memories claimed.

In **claim 7**, it is not clear whether the "*a transmitted data*" is related to the promise of claim 1 to transmit block units. It is also not clear whether "*a data bit which indicates a real data of each block*" is a further limitation, since at least one bit is required to embody data. There is no proper antecedent for "*the block partitioning sequencing*" or for "*the last block*".

Within the set of **claims 1-7** the potential source and target of any transmission is not at all clear, or which pair of databases are potentially synchronized.

The analysis of **claims 8-18** is similar, and these claims are rejected on that basis.

Because of the extensive nature of the ambiguities set forth above, an examination of the claims with respect to the prior art is made on the basis of the most reasonable interpretation of the claims in light of the Disclosure as a whole.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Boushby, US 5,761,647, 2 June 1998.**

Boushby is directed to synchronizing databases over a network in the context of a particular application, the tracking of casino customers. A particular embodiment involves hybrid systems that include both centralized and distributed components [COL 1 lines 25-44; FIG 5]. Boushby teaches both a method and apparatus essentially as claimed.

As to **claim 1**, the local centralized management list (CMS) [COL 4 lines 38-44] includes a cross-reference list that includes selected customer data from every other affiliated casino property that corresponds to the common memory exhibiting the current status of selected customer data [COL 13 lines 48 and after]. The local CMS also includes an associated local data store that corresponds to the sync-related memory. Data is transferred in defined data structures [FIG 7 DDS 250] that correspond to blocks. Some details of the management system are depicted in FIG 9 [COL 17 lines 33-53]. It is clear from Boushby as a whole that the system acts in real time, managing events including ticketing, reservation, and sales [COL 6 lines 21-31 and elsewhere].

As to **claim 2**, the synchronization of Boushby to reflect activity may occur periodically [COL 14 lines 35-39]. As to **claim 3**, as noted above the elements of FIG 5 have local data stores that correspond to databases.

As to **claim 4**, the apparatus and process by which changes are stored after a comparison is set forth at COL 14 lines 3-21.

As to **claim 5**, the local cross-reference list is common memories connected to the local data store and provides the current network status. As to **claim 6**, the system of FIG 5 is explicitly taught by Boushby to be a distributed database [COL 14 lines 22-28].

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boushby, US 5,761,647, 2 June 1998 as applied above.**

As to **claim 7**, Boushby applies a header to the data transmitted [COL 17 lines 32-53], but does not explicitly teach the use of an EndFlag bit and other such details of its use. **Official Notice** is taken that the use of data bits for control information in data packets transmitted over networks was well known in the art at the time of the invention.

**It would have been obvious** to one of ordinary skill in the art at the time of the invention to indicate the block partitioning sequencing of data, a flag to indicate the last block, and control information to distinguish between real data and header or control data.

As to **claim 8**, the alarm state corresponds to activity at one property that needs to be reflected at another [COL 14 lines 27-32]. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to transmit only modified data because it is inefficient to transmit redundant data.

As to **claim 9**, the periodic update noted above corresponds to waiting for a synchronization request.

As to **claim 10**, **it would have been obvious** to one of ordinary skill in the art at the time of the invention to apply standard handshake protocols such as SYNC\_REQ to the system of Boushby.

As to **claim 11**, **it would have been obvious** to one of ordinary skill in the art at the time of the invention to transmit position with data between one CMS and another because they do not reflect the same customers and/or activities, and thus modified data may occupy distinct positions in the two data stores.

As to claim 12, **it would have been obvious** to one of ordinary skill in the art at the time of the invention to not copy data when transmission has failed because there may be errors in the data available to be copied.

The elements of **claim 13** have been rejected above and this claim is rejected on that basis.



As to **claim 14**, it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit a block in the case of no change because without a successful transmission of a block, it would not be clear whether or not a transmission error had occurred.

As to **claim 15**, the periodic synchronization noted above corresponds to a resynchronization step as claimed.

As to **claim 16**, Boushby does not teach the use of a manual synchronization step, but it was well known in the art at the time of the invention to intervene manually when some automatic process does not complete or is not established.

As to **claims 17-18**, these elements were well known at the time of the invention as responses to transmission failures.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER